



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JRS/GK/DAS
F. #2021R00900

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 23, 2024

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and Ozy Media, Inc.
Criminal Docket No. 23-82 (EK)

Dear Judge Komitee:

The government respectfully submits this letter in response to the Court's request for a timeline regarding the EDNY Local Criminal Rule 23.1 issues throughout this litigation. Although we have sought to be comprehensive with our recitation of the facts, the below timeline does not include all posts, comments and representations that may violate or otherwise implicate Rule 23.1; rather, it aims to chronicle the relevant statements and events since indictment (with approximate dates).

- February 22, 2023: grand jury sitting in the Eastern District of New York returned indictment charging defendants Carlos Watson and Ozy Media, Inc. (see ECF No. 1), and the U.S. Attorney's Office for the Eastern District of New York issued a press release announcing the charges (the "Press Release").
- March 10, 2023: Watson moved for the government to take down the Press Release, arguing that certain statements therein were improper. See ECF No. 33 (the "Press Release Motion").
- June 21, 2023: Ron Sullivan Law, PLLC issued a press release claiming that the three undersigned prosecutors specifically targeted Watson due to racial bias and called for an investigation; Watson launched "tooblackforbusiness.org," which parroted the language of the Sullivan press release. The tooblackforbusiness.org website was subsequently linked to various social media accounts associated with the defendants.
- August 1, 2023: Watson filed a motion to dismiss for selective prosecution. See ECF No. 84.

- October 2023: Watson and his family members began recording and publishing on various social media accounts videos in which they claim Watson’s indictment resulted from selective prosecution. The recordings featured Watson and his relatives, acquaintances, and attorneys, as well as Luke Brindle-Khym, a private investigator hired by Watson. A variety of recordings, essays, and statements were published over the subsequent months.
- November 6, 2023: Court issued a memorandum and order (“M&O”) addressing, among other things, the Press Release, in which it reserved decision on the Press Release Motion and “advised [the government] to consider whether it wishes to excise or modify the language” of the Press Release. ECF No. 96 at 41.
- November 16, 2023: Ronald Sullivan, Watson’s counsel, moderated a conversation with Watson at Harvard Law School that focused on the purported selective prosecution in Watson’s case.
- November 17, 2023: The government updated the Press Release to omit the challenged language. See ECF No. 100.
- April 2024: Watson produced and publicized a film titled “The Troubling Case of Carlos Watson” in which Watson and his surrogates—including his sisters Beverly and Carolyn, Sullivan, Ozy’s counsel Shannon Frison and Brindle-Khym—discussed Watson’s case, attacked potential witnesses and advanced claims of selective prosecution (the “Watson Film”).
 - The Watson Film was screened at Harvard Law School on April 15, in New York City on April 16 and in Washington, DC on April 18.
 - The Watson Film was uploaded to YouTube on May 1, 2024. See Tr. 2280-81.
- April 26, 2024: Watson and Ozy filed a renewed motion to dismiss or to transfer venue based on the objected-to language from the Press Release remaining viewable in a single post on the U.S. Attorney’s Office’s Twitter/X account. See ECF No. 130. The government identified and removed the post—which had been issued alongside and tracked a quote by U.S. Attorney Breon Peace from the February 23, 2023 Press Release—that same day, and at a status conference that day, the Court noted its significant skepticism regarding the merits of the motion. See Apr. 26, 2024 Tr. 4-8.
- April 29, 2024: Court issued an M&O denying Watson’s motion to dismiss for selective prosecution. See ECF No. 132.

- May 20, 2024: Trial began with jury selection. Social media posts by Watson and his surrogates—including his attorneys—disparaging the prosecution and the Court continued through trial. For example, on June 9, 2024, Shannon Frison posted a video on her social media account in which she described the purported bias of the trial and the racial breakdown of various trial participants and spectators.
- June 14, 2024: Frison issued a statement in which she told the New York Times that the claim that Watson had told an investor about a \$600 million acquisition offer from Google was “equivocally untrue,” and that Watson “never had such a conversation with Google and never told any person that he did.”¹
- June 18, 2024: Court issues an M&O in which it prohibited “[t]he parties in this case, their attorneys, and their agents . . . from publicly disseminating or discussing with any public communications media anything about this case, including statements about the identity, testimony, or credibility of prospective witnesses, information that has not been deemed admissible at trial, and statements intended to influence public opinion regarding the merits of this case.” ECF No. 194 (the “Rule 23.1 Order”).
 - On the same day, Sullivan represented to the Court that he knew nothing about the Watson Film. Tr. 2280. However, as the government informed the Court, Sullivan was interviewed in the video, and it was screened at Harvard. Id. Sullivan later explained that he was, in fact, interviewed for the Watson Film several months prior.
- June 21, 2024: The government emailed defense counsel identifying the following accounts and locations (not intended as an exhaustive list) where posts, comments and statements remained public that violated the Rule 23.1 Order.
 - Twitter/X: @carloswatson, @ProfRonSullivan, @JudgeFrison, @ozy, @2black4business, @Beverly61828872;
 - Instagram: @ozy, @ozycarlos, @thecarloswatsontrial, @attorneyfrison, @frisonlawfirm;
 - YouTube: @judgefrison;
 - LinkedIn: Carlos Watson, Ozy Media, Beverly Watson, Shannon Frison;
 - Additional Websites: ozy.com, tooblackforbusiness.org, sponsored google.com search results for the Watson Film, which appeared when searching “Carlos Watson” or “Ozy Media.”

¹ The relevant article is available at <https://www.nytimes.com/2024/06/14/business/media/google-ceo-ozy-fraud-trial.html>.

The identified violations on these accounts and websites included attacks on and disparaging remarks regarding the Court, the prosecutors and witnesses, and additional claims of selective prosecution. The same day, Sullivan responded to the government that the defense would “take a look . . . and respond in short order.” There was no further correspondence on the issue.

- June 26, 2024: Another review of the accounts and websites listed above showed that the accounts associated with Sullivan and Frison generally removed offending posts, comments and statements,² but those associated with the defendants and their surrogates did not. In court, the government demonstrated that the Watson Film remained accessible on YouTube. See Tr. 2627.
- June 27, 2024: Court issued an M&O denying, inter alia, the renewed motion to dismiss or transfer venue. See ECF No. 209.
- June 28, 2024: Government filed a letter to inform the Court of ongoing posts on social media accounts that appeared to violate the Rule 23.1 Order. See ECF Nos. 210, 211. Specifically, the government directed the Court to a collection of posts at the Instagram account “@thecarloswatsontrial” that contained escalating attacks on a trial witness, the Court and the merits of the case. See id.
 - June 29, 2024: Defense counsel responded that the Instagram account @thecarloswatsontrial was “outside their control.” ECF No. 215. Despite the defense’s representations, numerous posts on this account, including one as recent as June 24, 2024, were jointly posted from @thecarloswatsontrial and @ozy, what appears to be the official Ozy Instagram account.
- July 8, 2024: Government alerted the Court to the existence of tooblackforbusiness.org, which had been up and running for approximately one year and included a post called “Three White Brooklyn Prosecutors Target Black-Owned and California-Based OZY” that listed the names of the undersigned prosecutors and talked about the injustice of this case. July 8, 2024 Hr’g Tr. 18. When asked by the Court, “Who runs that website?” Sullivan responded, “I have no idea.” Id. The Court then ordered Watson to take the website down, to the extent it was within his control. Id. at 20. That evening, the website became accessible only with a password.
- July 16, 2024: Watson and Ozy were found guilty on all counts of the indictment.

² One exception was that Sullivan’s Twitter/X page contained a tweet dated June 25, 2023, suggesting selective prosecution occurred in this case and providing a link to tooblackforbusiness.org. As noted above, the website is no longer active, although Sullivan’s tweet remains.

- July 23, 2024: As of today, Ozy's Instagram accounts still contains videos in which Watson personally attacks the undersigned prosecutors and questions the jurisdiction of his prosecution, and the Twitter/X accounts for Too Black for Business and Beverly Watson remain active and contain posts alleging that Watson is a victim of selective prosecution.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Jonathan Siegel
Gillian Kassner
Dylan A. Stern
Assistant U.S. Attorneys
(718) 254-6293/6224/6213

cc: Clerk of the Court (EK) (by ECF)
Counsel of Record (by ECF and email)